REMARKS

Applicant respectfully requests entry and consideration of the following remarks even though presented after a final rejection. Applicant submits that the remarks do not raise new issues or require a new search. Further, entry and consideration of the remarks may isolate issues for potential allowance or appeal. The remarks were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-20 stand in this application. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

35 U.S.C. § 103

At page 2 of the Office Action claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number (USPN) 6,493,824 B1 to Novoa et al. ("Novoa") in view of USPN 6,105,102 to Williams et al. ("Williams"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-20. Therefore claims 1-20 define over Novoa and Williams whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

> **querying a second network interface** to determine if the second network interface requires servicing...**servicing the first network interface** based on the detected event; **and servicing the second network interface during a same wake session.** (emphasis added).

As correctly noted in the Office Action, Novoa does not teach the step of servicing the second network interface during a same wake session. According to the Office Action, the missing language is disclosed by Williams at column 3, lines 11-18, lines 41-47 and column 4, lines 43-65. Applicant respectfully disagrees.

Williams does not disclose the missing language of claim 1. Williams at the given cites, in relevant part, states:

> a primary object of the present invention is to control the CPU of the host system to operate in a polling mode for servicing interrupts that are generated closely in time **by a peripheral device**. When the CPU operates in the polling mode, the CPU does not return to the foreground task after servicing a prior interrupt. Rather, the CPU polls for any subsequent interrupts in a polling routine. Column 3, lines 7-14 (emphasis added).
>
> the present invention may be used to particular advantage when a peripheral device is **a communications network peripheral device**. In that case, an interrupt is generated by **the communications network peripheral device** when a predetermined amount of an information frame has been received by the communications network peripheral device from the communications network. Column 3, lines 41-47 (emphasis added).
>
> the CPU 108 operates in the polling mode during a polling time period 502 instead of returning to the foreground task after the prior interrupt service routine 208. When the CPU 108 operates in the polling mode, the CPU 108 polls for any interrupts from **the peripheral device** 102 and services such an interrupt upon detection. Column 4, lines 43-48 (emphasis added).

By way of contrast, the claimed subject matter teaches "querying a second network interface to determine if the second network interface requires servicing... and servicing the second network interface during a same wake session." Applicant respectfully submits that the above recited portions of Williams disclose only one "peripheral device," e.g. network interface.

Williams teaches, arguably, a polling mode for servicing multiple interrupts that are generated closely in time by a single network interface. In contrast, the claimed subject matter teaches servicing two network interfaces during the same wake session. Therefore, Williams fails to disclose, teach or suggest the missing language.

Consequently, Novoa and Williams, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claim 1 is respectfully requested. Claims 2-4 also are non-obvious and patentable over Novoa and Williams, taken alone or in combination, at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claims 5, 11 and 15 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 5, 11 and 15 are not obvious and are patentable over Novoa and Williams, taken alone or in combination, for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 5, 11 and 15. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 6-10, 12-14 and 16-20 that depend from claims 5, 11 and 15 respectively, and therefore contain additional features that further distinguish these claims from Novoa and Williams.

For at least the reasons given above, claims 1-20 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination. Accordingly, removal of the obviousness rejection with respect to claims 1-20 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references.

Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

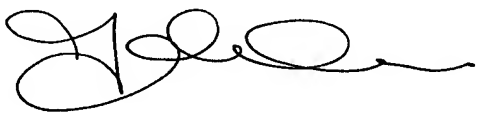
Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-20 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529